

CREW**citizens for responsibility
and ethics in washington**

January 13, 2009

Jeff S. Jordan
Supervisory Attorney
Complaints Examination &
Legal Administration
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 6054: Response of Carlo A. Bell

Dear Mr. Jordan:

This response is submitted on behalf of Carlo A. Bell ("Mr. Bell") in response to a complaint that Mr. Bell, together with Citizens for Responsibility and Ethics in Washington ("CREW"), filed against Rep. Vern Buchanan (R-FL) and others on August 19, 2008. In that complaint and in an attached affidavit, Mr. Bell testified that he had been coerced by his former employer, Venice Nissan Dodge, and its executives into becoming a conduit for a corporate contribution from Venice Nissan Dodge to Rep. Buchanan. The Federal Election Commission ("FEC" or "the Commission") has now informed Mr. Bell that the action he was coerced into taking may constitute a violation of the Federal Election Campaign Act ("FECA") or FEC regulations, presumably 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(i). For the reasons set forth below, Mr. Bell respectfully requests that the Commission take no further action against him in this matter.

It would be a gross miscarriage of justice as well as a sharp departure from Commission precedents regarding innocent conduit contributors for the Commission to take any further action against Mr. Bell. The Commission has historically chosen not to pursue enforcement actions against conduit contributors who (1) have never made any political contributions prior to the contributions at issue in the instant case, (2) were not familiar with the process of making political contributions and (3) were not aware their actions were illegal. See, e.g., General Counsel's Report #2 at 17-18, MUR 5666 (MZM, Inc.).

Mr. Bell clearly meets all three of these criteria as demonstrated in the sworn affidavit he submitted as Exhibit A to the Complaint in this matter. For ease of reference, an additional copy of the Bell Affidavit is attached as Exhibit A. Mr. Bell has already sworn under oath that "Prior to writing the check to the Buchanan campaign, I had never contributed to a political campaign and have not written checks to any other campaigns since that time." Bell Affidavit at ¶ 9. Mr. Bell had no prior experience making political

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contributions and had never made one until he was coerced into acting as a conduit by his former employer.

Moreover, even when confronted with the loss of his livelihood, Mr. Bell questioned the legality of the Venice Nissan Dodge conduit contribution scheme. Mr. Bell was summoned by his direct Supervisor, Don Caldwell, and instructed that he "needed to contribute to the campaign of Vern Buchanan, who was then running for Congress in Florida's 13th congressional district. Mr. Caldwell was holding cash in his hand at the time and said that the company would reimburse" Mr. Bell for his contribution to Mr. Buchanan. Bell Affidavit at ¶ 3. Mr. Bell "told Mr. Caldwell that this did not seem right . . . and asked him if it was legal. Mr. Caldwell did not answer [Mr. Bell's] question, instead asking [Mr. Bell] if [he] was on the team or not. [Mr. Bell] sat quietly for a minute looking at Mr. Caldwell who stared back at [him], waiting for an answer. *Afraid that [he] might lose [his] job if [he] refused*, [Mr. Bell] replied yes, [he] was a part of the team and agreed to write the check." Bell Affidavit at ¶ 4 (emphasis added). Mr. Bell later met with other Venice Nissan Dodge employees who had been coerced into making conduit contributions to Mr. Buchanan and they "all agreed that taking \$1,000 in cash for writing checks to the campaign seemed wrong, but we were all afraid that refusing to do so might endanger our employment with Venice Nissan Dodge." Bell Affidavit at ¶ 6 (emphasis added).

The FECA prohibits separate segregated funds from making any contribution or expenditure utilizing money "secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal . . ." 2 U.S.C. § 441b(b)(3)(A). It would be a gross miscarriage of justice for the Commission to pursue further action against Mr. Bell in this matter given that he has already sworn under oath he had no prior experience making political contributions and did so in this case only after being threatened with the loss of his job. CREW is not aware of a single instance in the more than thirty years of the Commission's existence where the Commission has sought sanctions against an innocent conduit contributor such as Mr. Bell, who was coerced into acting as conduit by his employer. It should not do so now.

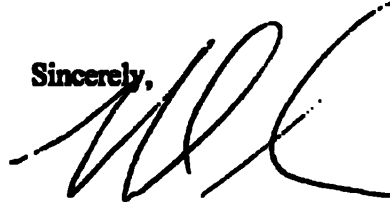
Mr. Bell is eager to cooperate with the Commission's investigation of Vern Buchanan, Don Caldwell, Brad Combs, Venice Nissan Dodge, Sarasota Ford and Buchanan Automotive Holdings, Inc. for multiple violations of 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(i). He would, of course, be willing to be deposed by the General Counsel's Office to shed any further light on the Buchanan conduit contribution scheme and to dissuade the Commission from taking any further action against him for the role he was forced to play in that scheme.

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For the reasons set forth above, Mr. Bell respectfully requests that the Commission take no further action against him in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'MS', is written over the word 'Sincerely,'.

Melanie Sloan
Executive Director

Encl.

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Affidavit of Carlo A. Bell

1. I was employed at Venice Nissan Dodge in Sarasota, Florida from 2001 through 2007.
2. On September 15, 2005, while I was serving as Venice Nissan Dodge's finance director, Don Caldwell, the general manager for the company and my direct supervisor, called me into a meeting in the office of Jack Prater, Dodge sales manager. Also present was Jason Martin, Dodge finance manager and Mr. Caldwell's nephew.
3. Mr. Caldwell shut the door to the office and told the three of us that we needed to contribute to the campaign of Vern Buchanan, who was then running for Congress in Florida's 13th congressional district. Mr. Caldwell was holding cash in his hand at the time and said that the company would reimburse us for our contributions. He explained that the company would give us \$1,000 cash in exchange for our writing \$1,000 checks to the campaign.
4. I told Mr. Caldwell that this did not seem right to me and asked him if it was legal. Mr. Caldwell did not answer my question, instead asking me if I was on the team or not. I sat quietly for a minute looking at Mr. Caldwell who stared back at me, waiting for my answer. Afraid that I might lose my job if I refused, I replied yes, I was a part of the team and agreed to write the check.
5. Mr. Caldwell handed me \$1,000 in cash. Neither Mr. Prater nor Mr. Martin spoke, but Mr. Caldwell handed them \$1,000 in cash as well, which they accepted.
6. After leaving the office, I discussed the matter with Mr. Prater and Mr. Martin and we all agreed that taking \$1,000 in cash for writing checks to the campaign seemed wrong, but we were all afraid that refusing to do so might endanger our employment with Venice Nissan Dodge.
7. The day after Mr. Caldwell gave me the \$1,000, I made a cash deposit to my bank in the amount of \$960, but kept the other \$40. The day of the deposit, I wrote a check to the Buchanan campaign and handed it to Mr. Caldwell. Copies of the deposit slip verifying the \$960 deposit and my check to the Buchanan campaign are attached.
8. I later discovered that two other Venice Nissan Dodge employees, Marvin White, the used car manager, and William Mullins, a salesman, also received \$1,000 cash reimbursements when they agreed to write checks to the Buchanan campaign.
9. Prior to writing the check to the Buchanan campaign, I had never contributed to a political campaign and have not written checks to any other campaigns since that time.

I hereby attest, under penalty of perjury, that the foregoing is true and correct.

Carlo A. Bell

NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires June 30, 2011

Subscribed and sworn to before me this 12th day of August 2008

[Signature]
Notary Public, D.C.
My Commission Expires June 30, 2011

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